

REMARKS

In the Official Action mailed on **21 August 2007**, the Examiner reviewed claims 1-11, 20-25 and 27-34. Claims 20-25 and 27-33 were rejected under 35 U.S.C. § 101. Claims 1-11, 20-25, and 27-34 were rejected under 35 U.S.C. § 112. Claims 1-11, 20-25, and 27-34 were rejected under 35 U.S.C. § 102(e) based on Rabin et al. (USPN 6,697,948 hereinafter “Rabin”).

Rejections under 35 U.S.C. § 101

Examiner rejected claims 20-25 and 27-33 under 35 U.S.C. § 101 averring that Claims 20-25 and 27-33 are directed to computer software not stored on a computer readable medium.

Applicant respectfully points out that independent claim 20, line 18 includes the element: “a computer readable medium on which the program codes are stored,” and is therefore directed to statutory subject matter. Applicant has amended independent claim 27 to include a storage medium. Support for this amendment can be found in claim 20, line 18.

Rejections under 35 U.S.C. § 112

Examiner rejected claims 1-11, 20-25, and 27-34 under 35 U.S.C. § 112 for being indefinite. Applicant has amended independent claims 1, 20, 27, 33, and 34 to fix this deficiency. No new material has been added.

Examiner has also rejected claims 9-11 as being indefinite for use of the phrase “acceptable similar.” Applicant has amended the language of this claim such that it is not indefinite. Support for these amendments can be found in paragraph [0046] of the Instant Application. No new material has been added.

Rejections under 35 U.S.C. § 102(e)

Examiner rejected claims 1-11, 20-25, and 27-34 under 35 U.S.C. § 102(e), asserting that these claims are anticipated by Rabin. Applicant respectfully disagrees, because Rabin does not disclose the use of a hardware configuration identifier as disclosed in the Instant Application.

Specifically, Rabin discloses: "The invention contemplates avoidance of such piracy in certain embodiments by allowing at least one of the unique identifiers (i.e., one of either a software tag 120 or a supervising program identifier 209-A) to contain information such as a hardware processor identification number (i.e., processor serial number for example) which associates that identifier (e.g., tag 120 (Column 1 in FIG. 6), SP ID209-A, of device ID) with a particular processor or hardware chassis." (Rabin, col 42, line 59 to col. 43, line 5.)

In contrast to Rabin, embodiments of the present invention provide a system that includes a hardware configuration identifier, wherein: "The hardware configuration identifier 701 need not be a detailed listing of the complete hardware configuration of the user's computer 104, but contains information representing a sufficient number of hardware components to identify a computer 104 by its hardware configuration." (Instant application, paragraph [0046]). Rather than identifying a device by one piece of hardware (as in Rabin), embodiments of the present invention identify devices based on a collection of hardware identifiers that make up a hardware configuration identifier. In these embodiments, if a particular piece of hardware is replaced, such as a processor, the device is still identifiable because the rest of the hardware is unlikely to have changed. If the difference between the hardware configuration identifier received from the device and the hardware configuration identifier retrieved from storage is below a pre-determined threshold, then it is safe to assume that the device is indeed the same device.

Applicant has amended independent claims 1, 20, 27, 33, and 34, for clarity. Support for these amendments come from claim 9, and paragraph [0046] of the instant application. No new material has been added.

Applicant respectfully submits that independent claims 1, 20, 27, 33, and 34, are in condition for allowance. Applicant also submits that claims 2-11, which depend upon claim 1, claims 21-25, which depend upon claim 20, and claims 28-32, which depend upon claim 27, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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